

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANNMARIE MALLOZZI, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

INDUSTRIAL ENTERPRISES OF AMERICA,
INC.; JOHN MAZZUTO; JORGE YEPES;
DENNIS O'NEILL; and JAMES MARGULIES,

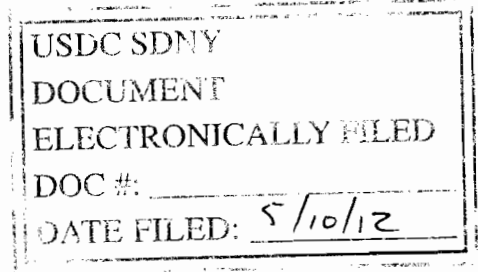
Defendants.

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: Case no. 07-CV-10321 (DLC)

: CLASS ACTION

: **[PROPOSED] ORDER**



IT IS HEREBY ORDERED THAT:

1. The court-appointed Claims Administrator, Strategic Claims Services (SCS), shall be paid \$64,631.21 from the Payment Fund for unpaid fees and expenses incurred for services rendered and to be rendered in connection with the administration of the Settlement as detailed in Exhibit G to the Affidavit of Paul Mulholland CPA, CVA Concerning Administrative Procedures Performed to Process and the Results Thereof ("Mulholland Affidavit").

2. The balance of the Net Settlement Fund (less any necessary amounts to be withheld for payment of potential tax liabilities and related fees and expenses) shall be distributed on a pro rata basis to the Authorized Claimants identified in Exhibit B-1 to the Affidavit of Paul Mulholland, at the direction of co-Lead Counsel The Rosen Law Firm P.A. and Wolf Haldenstein Adler Freeman and Herz, LLP, pursuant to the Superseding Stipulation and Agreement of Settlement (the "Stipulation") and the Plan of Allocation set forth in the

Notice of Pendency and Proposed Settlement of Class Action that was distributed pursuant to this Court's prior Order.

3. Any person asserting any rejected or subsequently filed claims are finally and forever barred from the date of this Order.

4. The Court finds that the administration of the Settlement and proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund are released and discharged from any and all claims arising out of such involvement, and all Class Members are barred from making any further claims against the Net Settlement Fund or the Released Parties beyond the amount allocated to them pursuant to this Order.

5. The checks for distribution to Authorized Claimants shall bear the notation "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 180 DAYS AFTER DISTRIBUTION DATE." Lead Counsel and SCS are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her or its check within said time.

6. If there are no additional funds to be paid to the Net Settlement Fund pursuant to Paragraph 14 of Section D of Superseding Stipulation and Agreement of Settlement and if there are any remaining funds in the Net Settlement Fund one year after the distribution of the Net Settlement Fund by reason of un-cashed distributions or otherwise, and after the Claims Administrator has made reasonable and diligent efforts to have Class Members who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution and who would receive at least \$10.00 from such re-distribution, after payment of any unpaid costs or

fees incurred in administering the Net Settlement Fund for such re-distribution, such re-distribution shall be made if such re-distribution is determined to be economically feasible by Lead Counsel.

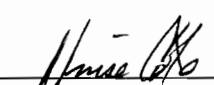
7. Six (6) months after such re-distribution, if undertaken, or if such re-distribution is not undertaken, any funds remaining in the Net Settlement Fund shall be contributed to non-sectarian, not-for-profit organization(s) designated by Lead Counsel after notice to the Court and subject to direction, if any, by the Court.

8. SCS is hereby ordered to discard paper or hard copies of Proofs of Claims and supporting documents not less than one (1) year all distributions of the Net Settlement Fund to the eligible claimants and electronic copies of the same not less than three (3) years after the all distributions of the Net Settlement Fund to the eligible claimants.

9. This Court retain^{LSJ} jurisdiction over any further application or matter which may arise in connection with this action.

Dated: May ¹⁰, 2012

SO ORDERED:



HON. DENISE L. COTE
UNITED STATES DISTRICT JUDGE